

THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:20-cv-00220-MR

RANDY W. BARKLEY, Individually )  
and as the Executor of the Estate of )  
Rita W. Barkley, Deceased, )  
Plaintiff, )  
vs. )  
4520 CORP., INC., Individually and )  
as Successor-in-Interest to )  
Benjamin F. Shaw Company, et al., )  
Defendants. )

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O R D E R

**THIS MATTER** is before the Court on Cleaver Brooks, Inc.'s Motion to Exclude John Maddox, M.D. [Doc. 307]; Cleaver Brooks, Inc.'s Motion to Exclude Edwin Holstein, M.D. [Doc. 311]; Cleaver Brooks, Inc.'s Motion for Summary Judgment [Doc. 328]; and the parties' Joint Motion to Dismiss Without Prejudice [Doc. 357].

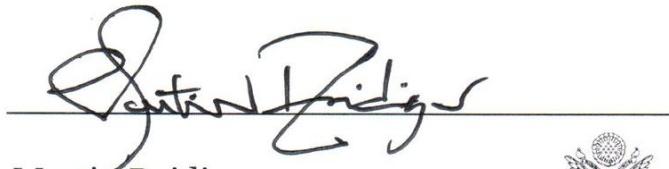
Upon review of the parties' motions,

**IT IS, THEREFORE, ORDERED** that the parties' Joint Motion to Dismiss [Doc. 357] is **GRANTED**, and all the Plaintiff's claims against the Defendant Cleaver Brooks, Inc. are hereby **DISMISSED WITHOUT PREJUDICE**.

**IT IS FURTHER ORDERED** that Cleaver Brooks, Inc.'s Motion to Exclude John Maddox, M.D. [Doc. 307]; Motion to Exclude Edwin Holstein, M.D. [Doc. 311]; and Motion for Summary Judgment [Doc. 328] are **DENIED AS MOOT.**

**IT IS SO ORDERED.**

Signed: October 25, 2021



Martin Reidinger  
Chief United States District Judge

